THE HONOURABLE SRI JUSTICE V.ESWARAIAH

Date:9-3-2006

WRIT PETITION No. 4654 OF 2006

BETWEEN:

Suggu Girija and another

…Petitioners

And

Revenue Divisional Officer, Visakhapatnam and another

…Respondents

ORDER:

The petitioners seek to issue a writ of mandamus to declare the impugned proceedings in Rc.No.556/2006/C, dated 8-2-2006 issued by the first respondent as illegal, arbitrary and violative of the

principles of natural justice.

Heard the learned counsel appearing for the petitioners as well as the learned Government Pleader for Revenue appearing for the respondents.

The petitioners question the order passed by the first respondent/Revenue Divisional Officer and Appellate Authority, Visakhapatnam, dated 8-2-2006 in Rc.No.556/2006/C-Ac.2/06/C. The perusal of the said order goes to show that based on the sale deed purchasing the lands to an extent of 0-67 ½ Cents each, the petitioners have obtained pattedar pass books and title deeds in Sy.Nos. 210/8, 210/9, 210/10, 210/11 and 210/12 of Kauluppada village of Bheemunipatnam Mandal, Visakhpatnam District. But, the Mandal Revenue Officer who has issued the pattedar pass books and title deeds suo-motto submitted a report stating that the said lands are covered by the registered sale deed vide document No.3137/97 purchased by Manthena Anil Varma, Manthena Ramakrishna Varma and Bhupathiraju Samba Siva Raju from the patta holders and they are having clear title and link documents, whereas the petitioner herein have no link documents. Based on the report, the Revenue Divisional Officer in exercise of the powers conferred on him under Section 5(5) of Andhra Pradesh Rights in Land and Pattedar Pass Book Act, 1971, cancelled the pattedar Pass Books and title deeds of the petitioners issued in respect of the said lands.

Without impleading the said three persons who alleged to have purchased the said land earlier to the petitioners herein and who are having link documents the petitioners are not entitled to file this writ petition. As against the orders passed by the Revenue Divisional Officer, revision lies under Section 9 of the Andhra Pradesh Right in Land and Pattedar Pass Books Act, 1971 before the Collector. In view of the remedy available to the petitioners under Section 9 of the said Act and also without impleading the earlier purchasers, this writ petition is not maintainable.

Accordingly, the writ petition is dismissed with a liberty to the petitioners to file a revision before the appellate authority, after impleading the concerned effected persons. No order as to costs.

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V.ESWARAIAH,J

Date: 9-3-2006.

Shr.